

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to harvesting of certain furbearers

The Natural Resource Commission (Commission) hereby amends Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.87.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.87.

Purpose and Summary

Chapter 108 sets the season dates, bag limits, possession limits, and areas open to hunting or trapping furbearers. This rule making increases the bag limit for river otters from two per fur harvester to three per fur harvester, adds Boone and Webster Counties to the one-bobcat-per-fur-harvester zone, and clarifies the total allowable bobcat harvest by a fur harvester in a season.

The bobcat and river otter populations are able to withstand these changes. Population data from the past 12 years reveal that Iowa’s river otter and bobcat populations continue to grow and expand into more counties with suitable habitat. Information about their population trends is derived from a variety of sources, such as hunter surveys, harvest information, tooth age distribution, field reports, and sightings. The amendments are, therefore, biologically responsible, as required by law. Additionally, they will increase recreational opportunities for Iowa fur harvesters while helping minimize social issues associated with high river otter or bobcat densities.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 6, 2020, as **ARC 5033C**. A public hearing was held on May 26, 2020, at 1 p.m. via video/conference call. No one attended the public hearing.

Three comments were received during the public comment period. Two supported the proposed changes, and one encouraged the Department to continue or increase monitoring bobcat and otter populations in the future. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on June 11, 2020.

Fiscal Impact

The Department of Natural Resources (Department) anticipates a very modest increase in fur harvester license sales from the proposed rule. Currently, resident fur harvester licenses, with the wildlife habitat fee, are \$41 per year. If any additional fur harvester licenses are sold due to this rule making, revenue would be generated for the State Fish and Game Protection Fund. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 108.7(2) as follows:

108.7(2) *Open area.* River otters may be taken statewide. Bobcats may be taken in the following counties: Adair, Adams, Appanoose, Audubon, Boone, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Dallas, Davis, Decatur, Des Moines, Fremont, Guthrie, Harrison, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Keokuk, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, and Woodbury.

ITEM 2. Amend subrule 108.7(3) as follows:

108.7(3) *Seasonal bag limit.*

a. The seasonal bag limit for river otters is 2 ~~3~~ river otters per person.

b. The seasonal bag limit for bobcats is 1 bobcat per person in the following counties: Audubon, Boone, Cedar, Cherokee, Clinton, Crawford, Dallas, Guthrie, Harrison, Iowa, Jackson, Jasper, Johnson, Lyon, Monona, Muscatine, Plymouth, Polk, Poweshiek, Scott, Shelby, Sioux, Webster, and Woodbury.

c. The seasonal bag limit for bobcats is 3 bobcats per person in the following counties: Adair, Adams, Appanoose, Cass, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Page, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

d. No more than 3 bobcats total can be legally harvested by a fur harvester in a season. River otters or bobcats trapped in excess of the seasonal bag limit or in a closed area must be turned over to the department; the ~~trapper~~ fur harvester shall not be penalized.

[Filed 6/11/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.